

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LAMON LAMAR BARNES,

Plaintiff,

-vs-

Case No. 13-CV-607

BROWN COUNTY, et al.,

Defendants.

ORDER

The plaintiff, a *pro se* prisoner incarcerated at Oshkosh Correctional Institution, has filed a complaint (Docket 1) and an amended complaint (Docket 7) along with Exhibits 1 - 26. Upon review of these filings, the court finds good cause for sealing portions of them based on the confidential informant's privilege. *See generally Roviaro v. United States*, 353 U.S. 53 (1957); *see also Fed. R. Civ. P. 26(b)(1)*. The purpose of the informant's privilege is to protect the public interest in effective enforcement of the law; it is premised on the notion that persons who assist a government investigation may later be targeted for reprisal by those who were under investigation or their compatriots. *See, e.g., Dole v. Local 1942, IBEW*, 870 F.2d 368, 372 (7th Cir. 1989). The privilege is applicable in civil as well as criminal cases. *Id.* at 372.

The informer's privilege covers both the identity of the informant and the contents of his communications with the government, if those communications would tend

to reveal his identity. *Roviaro*, 353 U.S. at 59-60. “With the threat of reprisal real and unprotected against, well-intentioned citizens may hesitate or decline to assist the government in tracking down wrongdoers. . . . The most effective means of protection, and by derivation the most effective means of fostering citizen cooperation, is bestowing anonymity on the informant, thus maintaining the status of the informant’s strategic position and also encouraging others similarly situated who have not yet offered their assistance.” *Dole*, 870 F.2d at 372.

The complaint, amended complaint, and exhibits reference a criminal investigation that involved a confidential informant. Both the alleged confidential informant and target of the investigation are named as defendants in this action. The information is privileged and there is good cause for maintaining the confidentiality of the below referenced portions of the pleadings and exhibits. The court will therefore redact portions of the complaint, amended complaint, and exhibits. The redacted versions may be filed in the public record. The unredacted versions of the same may remain under seal. *See, e.g., Methodist Hosps., Inc. v. Sullivan*, 91 F.3d 1026, 1031-32 (7th Cir. 1996) (“Judicial proceedings are presumptively open, but particular information may be withheld”). Either party and any interested member of the public can challenge the redactions. *See Citizens First Nat. Bank of Princeton v. Cincinnati Ins. Co.*, 178 F.3d 943, 946 (7th Cir. 1999).

IT IS THEREFORE ORDERED that the following portions of the complaint (Docket #1) shall remain under seal: page 4¹; page 6 ¶¶ 13-14; page 7 ¶ 14; page 8 ¶¶ 15-21, 23; page 9 ¶¶ 23-26, 28; page 10 ¶¶ 30, 32-33; page 11 ¶¶ 34-42; page 12 ¶¶ 43-48; page 13 ¶ 48; page 14 ¶¶ 54-58; page 15 ¶¶ 59-61, 63; page 16 ¶¶ 63-66, 68; page 17 ¶¶ 69-72, 74-75; page 18 ¶¶ 77-80, 83; page 19 ¶¶ 86-87; page 22 ¶¶ 99-100; page 25 ¶ 114; page 27 ¶¶ 122-23; page 31; pages 33-35.²

IT IS FURTHER ORDERED that the following portions of the amended complaint (Docket #7) shall remain under seal: page 1; page 3 ¶¶ 14-15; page 4 ¶¶ 16-18; page 5 ¶¶ 18-22, 24-27; page 6 ¶¶ 29, 31; page 7 ¶¶ 33-41; page 8 ¶¶ 42-48; page 9 ¶ 49; page 10 ¶¶ 55-60; page 11 ¶¶ 61-62, 64-65; page 12 ¶¶ 65-67, 69-71; page 13 ¶¶ 72-73, 75-76, 78-80; page 14 ¶¶ 80-81, 84; page 15 ¶¶ 87-88; page 17 ¶¶ 100-01; page 20 ¶ 115; page 21 ¶¶ 123-24; pages 24-28.

¹ Pages numbers refer to the number designated by court's electronic filing system, CM/ECF.

² The court is not redacting complaint paragraphs or pages in their entirety. Thus, reference to a complaint paragraph or page indicates that a portion of the paragraph or page has been redacted.

IT IS FURTHER ORDERED that the portions of the following exhibits to the complaint and amended complaint shall remain under seal: Exhibits 2, 4, 7-10, 12, 16, 18, 21, 25.

Dated at Milwaukee, Wisconsin, this 18th day of June, 2013.

SO ORDERED,



HON. RUDOLPH T. RANDA
U. S. District Judge